

1 By Cole

S.B. No. 111

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4
5 A BILL TO BE ENTITLED

6
7 AN ACT

8
9 to require that those buildings and facilities
10 constructed in the state by the use of state,
11 county, or municipal funds shall adhere to
12 the principles prescribed by this Act in
13 order to make these buildings and facilities
14 accessible to, and useable by, the physically
15 handicapped; and declaring an emergency.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

18
19 Section 1. Application of Act. (a) The standards and
20 specifications set forth in this Act shall apply to all buildings
21 and facilities used by the public which are constructed in whole
22 or in part by the use of state, county, or municipal funds, or
23 the funds of any political subdivision of the state. All buildings
24 and facilities constructed in this state after the effective date
25 of this act from any one of these funds or any combination thereof
26 shall conform to each of the standards and specifications pre-
27 scribed herein except where the governmental department, agency,
28 or unit concerned shall determine, after taking all circumstances
29 into consideration, that full compliance with any particular stan-
30 dard or specification is impracticable.

31 (b) These standards and specifications shall be adhered to
32 in those buildings and facilities under construction on the effec-
33 tive date of this Act, unless the authority responsible for the
34 construction shall determine that the construction has reached a
35 state where compliance is impractical. This Act shall apply to
36 temporary or emergency construction as well as permanent buildings.

37 Sec. 2. Scope and Purpose. (a) This Act is concerned
38 with nonambulatory disabilities, semiambulatory disabilities, sight
39 disabilities, hearing disabilities, disabilities of incoordination,
40 and aging.

41 (b) It is intended to make all buildings and facilities
42 covered by this Act accessible to, and functional for, the physi-
43 cally handicapped to, through, and within their doors, without loss
44 of function, space, or facilities where the general public is con-
45 cerned.

46 Sec. 3. Definitions. For the purpose of this Act the
47 following terms have the meanings as herein set forth:

48 (1) "Nonambulatory disabilities" means impairments that,
49 regardless of cause or manifestation, for all practical purposes,
50 confine individuals to wheelchairs.

51 (2) "Semiambulatory disabilities" means impairments that
52 cause individuals to walk with difficulty or insecurity. Individ-
53 uals using braces or crutches, amputees, arthritics, spastics, and
54 those with pulmonary and cardiac ills may be semiambulatory.

1 (3) "Sight disabilities" means total blindness or impair-
2 ments affecting sight to the extent that the individual functioning
3 in public areas is insecure or exposed to danger.

4 (4) "Hearing disabilities" means deafness or hearing handi-
5 caps that might make an individual insecure in a public area
6 because he is unable to communicate or hear warning signals.

7 (5) "Disabilities of incoordination" means faulty coordina-
8 tion or palsy from brain, spinal, or peripheral nerve injury.

9 (6) "Aging" means those manifestations of the aging
10 processes that significantly reduce mobility, flexibility, coordi-
11 nation, and perceptiveness but are not accounted for in the afore-
12 mentioned categories.

13 (7) "Standard," when this term appears in small letters, is
14 descriptive and means typical type.

15 (8) "Fixed turning radius, wheel to wheel" means the track-
16 ing of the caster wheels and large wheels or a wheelchair when
17 pivoting on a spot.

18 (9) "Fixed turning radius, front structure to rear struc-
19 ture" means the turning radius of a wheelchair, left front-foot
20 platforms to right rear wheel, or right front-foot platform to left
21 rear wheel when pivoting on a spot.

22 (10) "Involved (involvement)" means a portion or portions of
23 the human anatomy or physiology, or both, that have a loss or
24 impairment of normal function as a result of genesis, trauma,
25 disease, inflammation, or degeneration.

26 (11) "Ramps, ramps with gradients" means ramps with gradi-
27 ents (or ramps with slopes) that deviate from what would otherwise
28 be considered the normal level. An exterior ramp, as distinguished
29 from a "walk," shall be considered an appendage to a building
30 leading to a level above or below existing ground level. As such,
31 a ramp shall meet certain requirements similar to those imposed
32 upon stairs.

33 (12) "Walk, walks" means a predetermined, prepared-surface,
34 exterior pathway leading to or from a building or a facility, or
35 from one exterior area to another, places on the existing ground
36 level and not deviating from the level of the existing ground
37 immediately adjacent.

38 (13) "Appropriate number" means the number of a specific
39 item that would be reasonably necessary, in accord with the pur-
40 pose and function of a building or a facility, to accommodate
41 individuals with specific disabilities in proportion to the antic-
42 ipated number of individuals with disabilities who would use a
43 particular building or facility.

44 Sec. 4. Design Criteria. The following design criteria
45 shall be applicable:

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47 struction with plastic upholstery for back and seat is most com-
48 monly used. The standard model of all manufacturers falls within
49 the following limits, which are used as the basis of consideration:

50 (A) Length: 42 inches

51 (B) Width, when open: 25 inches

52 (C) Height of seat from floor: 29 inches

53 (D) Height of armrest from floor: 29 inches

54 (E) Height of pusher handles (rear) from floor: 36 inches

55 (F) Width, when collapsed: 11 inches

1 (2) The fixed turning radius of a standard wheelchair, wheel
2 to wheel, is 18 inches. The fixed turning radius, front structure
3 to rear structure, is 31.5 inches.

4 (3) The average turning space required by a person in a
5 wheelchair (180 to 360 degrees) is 60 x 60 inches. A turning space
6 of 63 x 56 inches may at times prove more workable and desirable.

7 (4) A minimum width of 60 inches is required for two
8 individuals in wheelchairs to pass each other.

9 (5) In a wheelchair the average unilateral vertical reach
10 is 60 inches and ranges from 56 inches to 78 inches.

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12 son in a wheelchair is 30.8 inches and ranges from 28.5 inches to
13 33.2 inches.

14 (7) The bilateral horizontal reach, both arms extended to
15 each side, shoulder high, of a person in a wheelchair, ranges from
16 54 inches to 71 inches and averages 64.5 inches.

17 (8) An individual reaching diagonally (from a wheelchair)
18 as would be required in using wall-mounted dial telephones or towel
19 dispenser, would make the average reach (on the wall) 48 inches
20 from the floor.

21 (9) Most individuals ambulating on braces or crutches, or
22 both, or on canes are able to manipulate within the specifications
23 prescribed for wheelchairs, although doors present quite a problem
24 at times. However, a crutch tip extending laterally from an
25 individual is not obvious to others in heavily trafficked areas,
26 and not as obvious or protective as a wheelchair and is, therefore,
27 a source of vulnerability.

28 (10) On the average, individuals 5 feet 6 inches tall
29 require an average of 31 inches between crutch tips in the normally
30 accepted gaits.

31 (11) On the average, individuals 6 feet 0 inches tall
32 require an average of 32.5 inches between crutch tips in the nor-
33 mally accepted gait.

34 Sec. 5. Site Development. (a) The ground shall be
35 graded, even contrary to existing topography, so that it attains
36 a level with a normal entrance and will make a facility accessible
37 to individuals with physical disabilities.

38 (b) Public walks shall be at least 48 inches wide and shall
39 have a gradient not greater than 5 percent. These walks shall be
40 of continuing common surface, not interrupted by steps or abrupt
41 changes in level. Wherever walks cross other walks, driveways, or
42 parking lots they shall blend to a common level. A walk shall have
43 a level platform at the top which is at least 5 feet by 5 feet if
44 a door swings out onto the platform or toward the walk. This
45 platform shall extend at least one foot beyond each side of the
46 doorway. A walk shall have a level platform at least 3 feet deep
47 and 5 feet wide, if the door does not swing onto the platform or
48 toward the walk. This platform shall extend at least one foot
49 beyond each side of the doorway.

50 (c) Spaces in parking lots that are accessible to the
51 building or facility shall be set aside and identified for use by
52 individuals with physical disabilities. An adequate parking space
53 is one that is open on one side and which allows room for individ-
54 uals in wheelchairs or individuals with braces and crutches to get

1 in and out of an automobile onto a level surface, suitable for
2 wheeling and walking. Parking spaces for individuals with physical
3 disabilities when placed between two conventional diagonal or
4 head-on parking spaces shall be 12 feet wide. Care in planning
5 shall be exercised so that individuals in wheelchairs and individ-
6 uals using braces and crutches are not compelled to wheel or walk
7 behind parked cars. Consideration shall be given to the distribu-
8 tion of spaces for use by the disabled, in accordance with the
9 frequency and regularity of their parking needs. Walks shall be
10 in conformity with Section 5(b) of this Act.

11 Sec. 6. Ramps. (a) Where ramps with gradients are
12 necessary or desired, they shall conform to the following specifi-
13 cations:

14 (1) A ramp shall not have a slope greater than one foot rise
15 in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

16 (2) A ramp shall have handrails on at least one side, and
17 preferably two sides, that are 32 inches in height, measured from
18 the surface of the ramp, that are smooth, that extend one foot
19 beyond the top and bottom of the ramp, and that as far as practi-
20 cable conform with American Standard Safety Code for Floor and Wall
21 Openings, and Toe Boards as promulgated by the American Standards
22 Association, Inc.

23 (b) Ramps shall have a surface that is nonslip. A ramp
24 shall have a level platform at the top which is at least 5 feet by
25 5 feet, if a door swings out onto the platform or toward the ramp.
26 This platform shall extend at least one foot beyond each side of
27 the doorway. A ramp shall have a level platform at least 3 feet
28 deep and 5 feet wide, if the door does not swing onto the platform
29 or toward the ramp. This platform shall extend at least one foot
30 beyond each side of the doorway. Each ramp shall have at least
31 6 feet of straight clearance at the bottom. Ramps shall have level
32 platforms at 30 foot intervals for purposes of rest and safety and
33 shall have level platforms wherever they turn.

34 Sec. 7. Entrances. At least one primary entrance to each
35 building shall be useable by individuals in wheelchairs. At least
36 one entrance useable by individuals in wheelchairs shall be on a
37 level that would make the elevators accessible.

38 Sec. 8. Doors. Doors shall have a clear opening of no
39 less than 32 inches when open and shall be operable by a single
40 effort. The floor on the inside and outside of each doorway shall
41 be level for a distance of 5 feet from the door in the direction
42 the door swings and shall extend one foot beyond each side of the
43 door. Sharp inclines and abrupt changes in level shall be avoided
44 at doorsills. As much as practicable, thresholds shall be flush
45 with the floor.

46 Sec. 9. Stairs. Stairs shall conform to standards of the
47 American Standards Association, Inc., with the following additional
48 considerations: Steps in stairs shall be designed wherever prac-
49 ticable so as not to have abrupt (square) nosing. Stairs shall
50 have handrails 32 inches high as measured from the tread at the
51 face of the riser. Stairs shall have at least one handrail that
52 extends at least 18 inches beyond the top step and beyond the bot-
53 tom step. Steps should, wherever possible, and in conformation
54 with existing step formulas, have risers that do not exceed
55 7 inches.

1 Sec. 10. Floors. Floors shall wherever practicable have
2 a surface that is nonslip. Floors on the same story shall be of
3 a common level throughout or be connected by a ramp in accord with
4 Section 6(a) through the first paragraph of Section 6(b), inclu-
5 sive.

6 Sec. 11. Toilet Rooms. (a) An appropriate number of
7 toilet rooms, in accordance with the nature and use of a specific
8 building or facility, shall be accessible to, and useable by, the
9 physically handicapped.

10 (b) Toilet rooms shall have space to allow traffic of indi-
11 viduals in wheelchairs, in accordance with Section 4.

12 (c) Toilet rooms shall have at least one toilet stall that

13 (1) is 3 feet wide

14 (2) is at least 4 feet 8 inches, preferably 5 feet deep

15 (3) has a door (where doors are used) that is 32 inches
16 wide and swings out

17 (4) has handrails on each side, 33 inches high and
18 parallel to the floor, 1-1/2 inches in outside diameter, with
19 1-1/2 inches clearance between rail and wall, and fastened securely
20 at ends and center

21 (5) Has a water closet with the seat 20 inches from the
22 floor.

23 (d) Toilet rooms shall have lavatories with narrow aprons,
24 which when mounted at standard height are useable by individuals
25 in wheelchairs, or shall have lavatories mounted higher, when par-
26 ticular designs demand, so that they are useable by individuals in
27 wheelchairs.

28 (e) Mirrors and shelves shall be provided above lavatories
29 at a height as low as practicable and no higher than 40 inches
30 above the floor, measured from the top of the shelf and the bottom
31 of the mirror.

32 (f) Toilet rooms for men shall have an appropriate number
33 of wall-mounted urinals with the opening of the basin 19 inches
34 from the floor, or shall have floor-mounted urinals that are on
35 level with the main floor of the toilet room.

36 (g) Toilet rooms shall have an appropriate number of towel
37 racks, towel dispensers, and other dispensers and disposal units
38 mounted no higher than 40 inches from the floor..

39 Sec. 12. Water Fountains. (a) An appropriate number of
40 water fountains or other water-dispensing means shall be accessible
41 to, and useable by, the physically disabled.

42 (b) Water fountains or coolers shall have up-front spouts
43 and controls. Water fountains or coolers shall be hand-operated
44 or hand- and foot-operated.

45 Sec. 13. Public Telephones. (a) An appropriate number
46 of public telephones shall be made accessible to, and useable by,
47 the physically disabled.

48 (b) Such telephones shall be placed so that the dial and
49 the handset can be reached by individuals in wheelchairs.

50 (c) An appropriate number of public telephones shall be
51 equipped for those with hearing disabilities and so identified with
52 instructions for use.

1 Sec. 14. Elevators. Elevators shall be provided and
2 shall be accessible to, and useable by, the physically disabled
3 at all levels normally used by the general public. Elevator con-
4 trol buttons shall have identifying features for the benefit of
5 the blind. Elevators shall allow for traffic by wheelchairs.

6 Sec. 15. Switches and Controls. Switches and controls
7 for light, heat, ventilation, windows, draperies, fire alarms,
8 and all similar controls of frequent or essential use, shall be
9 placed within the reach of individuals in wheelchairs.

10 Sec. 16. Identification for the Blind. Appropriate
11 identification of specific facilities within a building used by
12 the public is essential to the blind. Raised letters or numbers
13 shall be used to identify rooms and offices. Identification shall
14 be placed on the wall, to the right or left of the door, at a
15 height between 4 feet 6 inches and 5 feet 6 inches measured from
16 the floor, and preferably at 5 feet. Doors that are not intended
17 for normal use, and that are dangerous if a blind person were to
18 exit or enter by them, shall be made quickly identifiable to the
19 touch by knurling the door handle or knob.

20 Sec. 17. Warning Signals. (a) Audible warning signals
21 shall be accompanied by simultaneous visual signals for the bene-
22 fit of those with hearing disabilities.

23 (b) Visual signals shall be accompanied by simultaneous
24 audible signals for the benefit of the blind.

25 Sec. 18. Hazards. (a) Every effort shall be exercised
26 to obviate hazards to individuals with physical disabilities.

27 (b) Access panels or manholes in floors, walks, and walls
28 can be extremely hazardous, particularly when in use, and shall
29 be avoided where possible.

30 (c) When manholes or access panels are open and in use, or
31 when an open excavation exists on a site, particularly when it is
32 approximate to normal pedestrian traffic, barricades shall be
33 placed on all open sides, at least 8 feet from the hazard, the
34 warning devices shall be installed in accord with the provisions
35 of Subsection (b) of this section.

36 (d) Low-hanging door closers that are within the opening of
37 a doorway when the door is open, or that protrude hazardously into
38 regular corridors, or traffic ways when the door is closed, shall
39 be avoided.

40 (e) Low-hanging signs, ceiling lights, and similar objects
41 or signs and fixtures that protrude into regular corridors or
42 traffic ways shall be avoided. A minimum height of 7 feet,
43 measured from the floor, shall be had.

44 (f) Lighting on ramps shall be at least equal to that pre-
45 scribed by the specifications of American Standards Association,
46 Inc. Exit signs shall be in accordance with specifications of
47 American Standards Association, Inc., except as modified by Sec-
48 tion 7 of this act.

49 Sec. 19. Responsibility for Enforcement. The responsi-
50 bility for enforcement of this Act shall reside in the State
51 Building Commission.

52 Sec. 20. This Act takes effect on January 1, 1970.
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1 Sec. 21. Emergency. The importance of this legislation and
2 the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the Constitu-
4 tional Rule requiring bills to be read on three several days in
5 each house be suspended, and this Rule is hereby suspended, and
6 that this Act take effect and be in force from and after its pas-
7 sage, and it is so enacted.
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BILL ANALYSIS

(1) BACKGROUND INFORMATION:

This Bill neither repeals nor amends an existing statute.

(2) PURPOSE OF THE BILL:

Prescribes standards and specifications to be incorporated in the future construction of all facilities used by the public which are funded by the State or any political subdivision thereof in order to make such structures accessible to, and useable by, the physically handicapped.

(3) SECTION BY SECTION ANALYSIS:

Section 1: Requires conformance with this act in construction of all facilities used by the public which are constructed by use of funds of the state or any political subdivision thereof unless a particular finding of impracticability is made, and provides that this act shall be applicable to all such facilities under construction on the effective date of this act.

Section 2: Describes the purpose of the Act which is to make all buildings to which the Act applies accessible to and functional for persons handicapped by nonambulatory disabilities, hearing disabilities, disabilities of incoordination, and aging.

Section 3: Defines all terms which have a special meaning within the Act, such as all disabilities covered and certain general terms with specific applicability such as "Walk," "Ramp" and (wheelchair) "Turning Radius".

Section 4: Establishes applicable design criteria such as wheelchair specifications, wheelchair turning radius; vertical, horizontal, and diagonal reaching radii of a person in a wheelchair; and the fundamental space requirements for using crutches.

Section 5: Provides specifications required in site development, construction of public walks, and reservation of spaces in parking lots.

Sections 6-15: Establish construction specifications for ramps, entrances, doors, stairs, floors, toilet rooms, water fountains, public telephones, elevators, and controls for light, heat, fire alarms, etc.

Section 16: Requires that certain facilities, rooms and offices, be identified as to location and use,

Section 17: Requires that audible and visual warning signals accompany one another and that the signals be simultaneous.

Section 18: Establishes standards and specifications to eliminate hazards connected with open-manholes, low-hanging fixtures, or inadequate lighting on ramps.

(4) SUMMARY OF COMMITTEE ACTION:

The Committee suspended all necessary rules and reported the bill back to the House ~~with~~ ~~the~~ recommndation that it do pass and be printed.

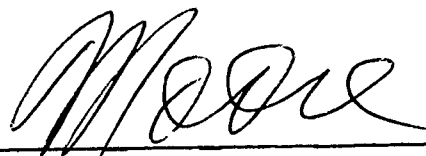
Austin, Texas

APRIL 10, 19 69

Honorable Ben Barnes
President of the Senate

Sir:

We, your Committee on State Affairs,
to which was referred S. B. No. 111, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.


Chairman

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Cole

COMMITTEE SUBSTITUTE
FOR S. B. No. 111

supplement
to
S. B. No. 111

A BILL TO BE ENTITLED
AN ACT

S E No 111

to require that those buildings and facilities
constructed in the state by the use of federal,
state, county, or municipal funds shall adhere
to the principles prescribed by this Act in order
to make these buildings and facilities accessible
to, and useable by, the physically handicapped;
and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Policy. The provisions of this Act are enacted to
further the policy of the State of Texas to encourage and promote
the rehabilitation of handicapped or disabled citizens. It is the
intent of this Act to eliminate, insofar as possible, unnecessary
barriers encountered by aged, handicapped or disabled persons, whose
ability to engage in gainful occupations or to achieve maximum per-
sonal independence is needlessly restricted when such persons cannot
readily use public buildings.

Sec. 2. Application of Act. (a) The standards and speci-
fications set forth in this Act shall apply to all buildings and
facilities used by the public which are constructed in whole or in
part by the use of state, county, or municipal funds, or the funds
of any political subdivision of the state. To such extent as is not
contraindicated by federal law or beyond the state's power of regu-
lation, these standards shall also apply to buildings and facilities
constructed in this state through partial or total use of federal
funds. All buildings and facilities constructed in this state, or
substantially renovated, modified, or altered, after the effective
date of this Act from any one of these funds or any combination

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39 thereof shall conform to each of the standards and specifications
40 prescribed herein except where the governmental department, agency,
41 or unit concerned shall determine, after taking all circumstances
42 into consideration, that full compliance with any particular stand-
43 ard or specification is impracticable. Where it is determined that
44 full compliance with any particular standard or specification is
45 impractical, the reasons for such determination shall be set forth
46 in written form by those making the determination and forwarded to
47 the State Building Commission. If it is determined that full com-
48 pliance is not practicable, there shall be substantial compliance
49 with the standard or specification to the maximum extent practical,
50 and the written record of the determination that it is impractical
51 to comply fully with a particular standard or specification shall
52 also set forth the extent to which an attempt will be made to comply
53 substantially with the standard or specification.

1 (b) These standards and specifications shall be adhered to in
2 those buildings and facilities under construction on the effective
3 date of this Act, unless the authority responsible for the construc-
4 tion shall determine that the construction has reached a state where
5 compliance is impractical. This Act shall apply to temporary or
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23 with pulmonary and cardiac ills may be semiambulatory. The listing
24 here made is illustrative and shall not be construed as being
25 exhaustive.

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Drawn

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S.B. No 111

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4 individuals with physical disabilities.

5 (b) Public walks shall be at least 48 inches wide and shall
6 have a gradient not greater than 5 percent. These walks shall be of
7 continuing common surface, not interrupted by steps or abrupt
8 changes in level. Wherever walks cross other walks, driveways, or
9 parking lots they shall blend to a common level. A walk shall have
10 a level platform at the top which is at least 5 feet by 5 feet if
11 a door swings out onto the platform or toward the walk. This plat-
12 form shall extend at least one foot beyond each side of the doorway.
13 A walk shall have a level platform at least 3 feet deep and 5 feet
14 wide, if the door does not swing onto the platform or toward the
15 walk. This platform shall extend at least one foot beyond each side
16 of the doorway.

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S. B. No 111

17 (c) Spaces in parking lots that are accessible to the
18 building or facility shall be set aside and identified for use by
19 individuals with physical disabilities. An adequate parking space
20 is one that is open on one side and which allows room for individ-
21 uals in wheelchairs or individuals with braces and crutches to get
22 in and out of an automobile onto a level surface, suitable for
23 wheeling and walking. Parking spaces for individuals with physical
24 disabilities when placed between two conventional diagonal or
25 head-on parking spaces shall be 12 feet wide. Care in planning
26 shall be exercised so that individuals in wheelchairs and individ-
27 uals using braces and crutches are not compelled to wheel or walk
28 behind parked cars. Consideration shall be given to the distribu-
29 tion of spaces for use by the disabled, in accordance with the
30 frequency and regularity of their parking needs. Walks shall be in
31 conformity with Section 6(b) of this Act.

32 Sec. 7. Ramps. (a) Where ramps with gradients are necessary
33 or desired, they shall conform to the following specifications:

34 (1) A ramp shall not have a slope greater than one foot rise
35 in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

36 (2) A ramp shall have handrails on at least one side, and
37 preferably two sides, that are 32 inches in height, measured from
38 the surface of the ramp, that are smooth, that extend one foot be-
39 yond the top and bottom of the ramp, and that as far as practicable
40 conform with American Standard Safety Code for Floor and Wall
41 Openings, and Toe Boards as promulgated by the American Standards
42 Association, Inc.

43 (b) Ramps shall have a surface that is nonslip. A ramp shall
44 have a level platform at the top which is at least 5 feet by 5 feet,

Down
10

45 if a door swings out onto the platform or toward the ramp. This
46 platform shall extend at least one foot beyond each side of the
47 doorway. A ramp shall have a level platform at least 3 feet deep
48 and 5 feet wide, if the door does not swing onto the platform or to-
49 ward the ramp. This platform shall extend at least one foot beyond
50 each side of the doorway. Each ramp shall have at least 6 feet of
51 straight clearance at the bottom. Ramps shall have level platforms
52 at 30 foot intervals for purposes of rest and safety and shall have
53 level platforms wherever they turn.

54 Sec. 8. Entrances. At least one primary entrance to each
55 building shall be useable by individuals in wheelchairs. At least
56 one entrance useable by individuals in wheelchairs shall be on a
57 level that would make the elevators accessible.

1 Sec. 9. Doors. Doors shall have a clear opening of no less
2 than 32 inches when open and shall be operable by a single effort.
3 The floor on the inside and outside of each doorway shall be level
4 for a distance of 5 feet from the door in the direction the door
5 swings and shall extend one foot beyond each side of the door.
6 Sharp inclines and abrupt changes in level shall be avoided at
7 doorsills. As much as practicable, thresholds shall be flush with
8 the floor.

9 Sec. 10. Stairs. Stairs shall conform to standards of the
10 American Standards Association, Inc., with the following additional
11 considerations: Steps in stairs shall be designed wherever practi-
12 cable so as not to have abrupt (square) nosing. Stairs shall have
13 handrails 32 inches high as measured from the tread at the face of
14 the riser. Stairs shall have at least one handrail that extends at
15 least 18 inches beyond the top step and beyond the bottom step.
16 Steps should, wherever possible, and in conformation with existing
17 step formulas, have risers that do not exceed 7 inches.

Down
12

18 Sec. 11. Floors. Floors shall wherever practicable have a
19 surface that is nonslip. Floors on the same story shall be of a
20 common level throughout or be connected by a ramp in accord with
21 Section 7(a) through the first paragraph of Section 7(b), inclusive.
22 Sec. 12. Toilet Rooms. (a) An appropriate number of toilet
23 rooms, in accordance with the nature and use of a specific building
24 or facility, shall be accessible to, and useable by, the physically
25 handicapped.
26 (b) Toilet rooms shall have space to allow traffic of indi-
27 viduals in wheelchairs, in accordance with Section 5.
28 (c) Toilet rooms shall have at least one toilet stall that
29 (1) is 3 feet wide
30 (2) is at least 4 feet 8 inches, preferably 5 feet deep
31 (3) has a door (where doors are used) that is 32 inches wide
32 and swings out
33 (4) has handrails on each side, 33 inches high and parallel
34 to the floor, 1-1/2 inches in outside diameter, with 1-1/2 inches
35 clearance between rail and wall, and fastened securely at ends and
36 center
37 (5) has a water closet with the seat 20 inches from the floor.
38 (d) Toilet rooms shall have lavatories with narrow aprons,
39 which when mounted at standard height are useable by individuals in
40 wheelchairs, or shall have lavatories mounted higher, when particu-
41 lar designs demand, so that they are useable by individuals in
42 wheelchairs.
43 (e) Mirrors and shelves shall be provided above lavatories at
44 a height as low as practicable and no higher than 40 inches above
45 the floor, measured from the top of the shelf and the bottom of the
46 mirror.

47 (f) Toilet rooms for men shall have an appropriate number of
48 wall-mounted urinals with the opening of the basin 19 inches from
49 the floor, or shall have floor-mounted urinals that are on level
50 with the main floor of the toilet room.

51 (g) Toilet rooms shall have an appropriate number of towel
52 racks, towel dispensers, and other dispensers and disposal units
53 mounted no higher than 40 inches from the floor.

54 Sec. 13. Water Fountains. (a) An appropriate number of
55 water fountains or other water-dispensing means shall be accessible
56 to, and useable by, the physically disabled.

1 (b) Water fountains or coolers shall have up-front spouts and
2 controls. Water fountains or coolers shall be hand-operated or
3 hand- and foot-operated.

4 Sec. 14. Public Telephones. (a) An appropriate number of
5 public telephones shall be made accessible to, and useable by, the
6 physically disabled.

7 (b) Such telephones shall be placed so that the dial and the
8 handset can be reached by individuals in wheelchairs.

9 (c) An appropriate number of public telephones shall be
10 equipped for those with hearing disabilities and so identified with
11 instructions for use.

12 Sec. 15. Elevators. Elevators shall be provided and shall be
13 accessible to, and useable by, the physically disabled at all levels
14 normally used by the general public. Elevator control buttons shall
15 have identifying features for the benefit of the blind. Elevators
16 shall allow for traffic by wheelchairs.

17 Sec. 16. Switches and Controls. Switches and controls for
18 light, heat, ventilation, windows, draperies, fire alarms, and all

19 similar controls of frequent or essential use, shall be placed
20 within the reach of individuals in wheelchairs.

21 Sec. 17. Identification for the Blind. Appropriate identifi-
22 cation of specific facilities within a building used by the public
23 is essential to the blind. Raised letters or numbers shall be used
24 to identify rooms and offices. Identification shall be placed on
25 the wall, to the right or left of the door, at a height between 4
26 feet 6 inches and 5 feet 6 inches measured from the floor, and pre-
27 ferably at 5 feet. Doors that are not intended for normal use, and
28 that are dangerous if a blind person were to exit or enter by them,
29 shall be made quickly identifiable to the touch by knurling the door
30 handle or knob.

31 Sec. 18. Warning Signals. (a) Audible warning signals shall
32 be accompanied by simultaneous visual signals for the benefit of
33 those with hearing disabilities.

34 (b) Visual signals shall be accompanied by simultaneous
35 audible signals for the benefit of the blind.

36 Sec. 19. Hazards. (a) Every effort shall be exercised to
37 obviate hazards to individuals with physical disabilities.

38 (b) Access panels or manholes in floors, walks, and walls can
39 be extremely hazardous, particularly when in use, and shall be
40 avoided where possible.

41 (c) When manholes or access panels are open and in use, or
42 when an open excavation exists on a site, particularly when it is
43 approximate to normal pedestrian traffic, barricades shall be placed
44 on all open sides, at least 8 feet from the hazard, the warning
45 devices shall be installed in accord with the provisions of Sub-
46 section (b) of this section.

47 (d) Low-hanging door closers that are within the opening of a
48 doorway when the door is open, or that protrude hazardously into
49 regular corridors, or traffic ways when the door is closed, shall be
50 avoided.

51 (e) Low-hanging signs, ceiling lights, and similar objects or
52 signs and fixtures that protrude into regular corridors or traffic
53 ways shall be avoided. A minimum height of 7 feet, measured from
54 the floor, shall be had.

1 (f) Lighting on ramps shall be at least equal to that pre-
2 scribed by the specifications of American Standards Association, Inc.
3 Exit signs shall be in accordance with specifications of American
4 Standards Association, Inc., except as modified by Section 8 of this
5 Act.

6 Sec. 20. Responsibilities for Enforcement. (a) The res-
7 ponsibility for administration and enforcement of this Act shall re-
8 side primarily in the State Building Commission, but the State
9 Building Commission shall have the assistance of appropriate state
10 rehabilitation agencies in carrying out its responsibilities under
11 this Act. State agencies involved in extending direct services to
12 disabled or handicapped persons are authorized to enter into inter-
13 agency contracts with the State Building Commission to provide such
14 additional fundings as might be required to insure that service
15 objectives and responsibilities of such agencies are achieved
16 through the administration of this Act. In enforcing this Act the
17 State Building Commission shall also receive the assistance of all
18 appropriate elective or appointive public officials. The State
19 Building Commission shall from time to time inform professional
20 organizations and others of this law and its application.

21 (b) The State Building Commission shall have all necessary
22 powers to require compliance with its rules and regulations and
23 modifications thereof and substitutions therefore, including powers
24 to institute and prosecute proceedings in the District Court to
25 compel such compliance, and shall not be required to pay any entry
26 or filing fee in connection with the institution of such proceeding.
27 (c) The State Building Commission is authorized to promulgate
28 such rules and regulations as might reasonably be required to im-
29 plement and enforce this Act. The State Building Commission, after
30 consultation with state rehabilitation agencies, is also authorized
31 to waive any of the standards and specifications presently set forth
32 in this Act and to substitute in lieu thereof standards or specifi-
33 cations consistent in effect to such standards or specifications as
34 might be adopted by the American Standards Association, Inc. (or its
35 federally-recognized successor in function) subsequent to the
36 effective date of this Act.
37

38 Sec. 21. This Act takes effect on January 1, 1970.

39 Sec. 22. Severability Clause. If any provision of this Act
40 or the application thereof to any person or circumstance is held
41 invalid, such invalidity shall not affect other provisions or ap-
42 plications of the Act which can be given effect without the invalid
43 provision or application, and to this end the provisions of this
Act are declared to be severable.

44 Sec. 23. Emergency. The importance of this legislation and
45 the crowded condition of the calendars in both Houses create an
46 emergency and an imperative public necessity that the Constitutional
47 Rule requiring bills to be read on three several days in each House
48 be suspended, and this Rule is hereby suspended, and that this Act
49 take effect and be in force from and after its passage, and it is so
50 enacted.

-7-

FLOOR AMENDMENT NO. 1

S.B. 111
By COLE

Cole

Amend Section 20 of C.S.S.B. No. 111 by adding a new sub-section, to be designated (d), which shall read as follows:

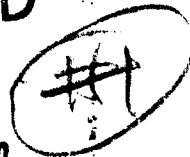
"(d). The respective governing boards of state-supported institutions of higher education are responsible for enforcement of this Act on all properties under their jurisdiction. In all other instances, the responsibility for enforcement of this Act shall be in the State Building Commission."

pg 13

ADOPTED

APR 21 1969

Charles Schwab
SECRETARY OF SENATE

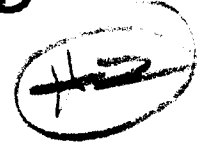


Amend caption to conform to body
of bill.

ADOPTED

APR 21 1969

Charles Schnabel
SECRETARY OF SENATE



By: Cole

S. B. No. 111

A BILL TO BE ENTITLED:

AN ACT

to require that those buildings and facilities constructed in the
state by the use of federal, state, county, or municipal funds shall
adhere to the principles prescribed by this Act in order to make
these buildings and facilities accessible to, and useable by, the
physically handicapped; and declaring an emergency. _____

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Policy. The provisions of this Act are enacted to
further the policy of the State of Texas to encourage and promote
the rehabilitation of handicapped or disabled citizens. It is the
intent of this Act to eliminate, insofar as possible, unnecessary
barriers encountered by aged, handicapped or disabled persons, whose
ability to engage in gainful occupations or to achieve maximum
personal independence is needlessly restricted when such persons
cannot readily use public buildings. _____

Sec. 2. Application of Act. (a) The standards and
specifications set forth in this Act shall apply to all buildings
and facilities used by the public which are constructed in whole or
in part by the use of state, county, or municipal funds, or the funds
of any political subdivision of the state. To such extent as is not
contraindicated by federal law or beyond the state's power of
regulation, these standards shall also apply to buildings and
facilities constructed in this state through partial or total use of
federal funds. All buildings and facilities constructed in this
state, or substantially renovated, modified, or altered, after the
effective date of this Act from any one of these funds or any _____

combination thereof shall conform to each of the standards and specifications prescribed herein except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the State Building Commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification. _____

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this Act, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This Act shall apply to temporary or emergency construction as well as permanent buildings. _____

Sec. 3. Scope and Purpose. (a) This Act is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination and aging. _____

(b) It is intended to make all buildings and facilities covered by this Act accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned. _____

Sec. 4. Definitions. For the purpose of this Act the following terms have the meanings as herein set forth: _____

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs. _____

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive. _____

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger. _____

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals. _____

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury. _____

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories. _____

(7) "Standard," when this term appears in small letters, is descriptive and means typical type. _____

(8) "Fixed turning radius, wheel to wheel" means the tracking of the caster wheels and large wheels or a wheelchair when pivoting on a spot. _____

(9) "Fixed turning radius, front structure to rear structure" means the turning radius of a wheelchair, left front-foot platforms to right rear wheel, or right front-foot platform to left rear wheel when pivoting on a spot. _____

(10) "Involved (involvement)" means a portion or portions of the human anatomy or physiology, or both, that have a loss or impairment of normal function as a result of genesis, trauma, disease, inflammation, or degeneration. _____

(11) "Ramps, ramps with gradients" means ramps with gradients (or ramps with slopes) that deviate from what would otherwise be considered the normal level. An exterior ramp, as distinguished from a "walk," shall be considered an appendage to a building leading to a level above or below existing ground level. As such, a ramp shall meet certain requirements similar to those imposed upon stairs. _____

(12) "Walk, walks" means a predetermined, prepared-surface, exterior pathway leading to or from a building or a facility, or from one exterior area to another, places on the existing ground level and not deviating from the level of the existing ground immediately adjacent. _____

(13) "Appropriate number" means the number of a specific item that would be reasonably necessary, in accord with the purpose and function of a building or a facility, to accommodate individuals with specific disabilities in proportion to the anticipated number of individuals with disabilities who would use a particular building or facility. _____

Sec. 5. Design Criteria. The following design criteria shall be applicable: _____

(1) The collapsible-model wheelchair of tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits, which are used as the basis of consideration: _____

(A) Length: 42 inches _____

(B) Width, when open: 25 inches _____

(C) Height of seat from floor: 19-1/2 inches _____

(D) Height of armrest from floor: 29 inches _____

(E) Height of pusher handles (rear) from floor: 36 inches _____

(F) Width, when collapsed: 11 inches _____

(2) The fixed turning radius of a standard wheelchair, wheel to wheel, is 18 inches. The fixed turning radius, front structure to rear structure, is 31.5 inches. _____

(3) The average turning space required by a person in a wheelchair (180 to 360 degrees) is 60 x 60 inches. A turning space of 63 x 56 inches may at times prove more workable and desirable. _____

(4) A minimum width of 60 inches is required for two individuals in wheelchairs to pass each other. _____

(5) In a wheelchair the average unilateral vertical reach is 60 inches and ranges from 56 to 78 inches. _____

(6) The average horizontal working (table) reach of a person in a wheelchair is 30.8 inches and ranges from 28.5 inches to 33.2 inches. _____

(7) The bilateral horizontal reach, both arms extended to each side, shoulder high, of a person in a wheelchair, ranges from 54 inches to 71 inches and averages 64.5 inches. _____

(8) An individual reaching diagonally (from a wheelchair) as would be required in using wall-mounted dial telephones or towel dispenser, would make the average reach (on the wall) 48 inches from the floor. _____

(9) Most individuals ambulating on braces or crutches, or both, or on canes are able to manipulate within the specifications prescribed for wheelchairs, although doors present quite a problem at times. However, a crutch tip extending laterally from an individual is not obvious to others in heavily trafficked areas, and not as obvious or protective as a wheelchair and is, therefore, a source of vulnerability. _____

(10) On the average, individuals 5 feet 6 inches tall require an average of 31 inches between crutch tips in the normally accepted gait. _____

(11) On the average, individuals 6 feet 0 inches tall require an average of 32.5 inches between crutch tips in the normally accepted gait. _____

Sec. 6. Site Development. (a) The ground shall be graded, even contrary to existing topography, so that it attains a level with a normal entrance and will make a facility accessible to individuals with physical disabilities. _____

(b) Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These walks shall be of continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. _____

(c) Spaces in parking lots that are accessible to the building or facility shall be set aside and identified for use by individuals with physical disabilities. An adequate parking space is one that is open on one side and which allows room for individuals in wheelchairs or individuals with braces and crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking. Parking spaces for individuals with physical disabilities when placed between two conventional diagonal or head-on parking spaces shall be 12 feet wide. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars. Consideration shall be given to the distribution of spaces for use by the disabled, in accordance with the frequency and regularity of their parking needs. Walks shall be in conformity with Section 6 (b) of this Act. _____

Sec. 7. Ramps. (a) Where ramps with gradients are necessary or desired, they shall conform to the following specifications: _____

(1) A ramp shall not have a slope greater than one foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes. _____

(2) A ramp shall have handrails on at least one side, and preferably two sides, that are 32 inches in height, measured from the surface of the ramp, that are smooth, that extend one foot beyond the top and bottom of the ramp, and that as far as practicable conform with American Standard Safety Code for Floor and Wall Openings, and Toe Boards as promulgated by the American Standards Association, Inc. _____

(b) Ramps shall have a surface that is nonslip. A ramp shall have a level platform at the top which is at least 5 feet by 5 feet, _____

if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. A ramp shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. Each ramp shall have at least 6 feet of straight clearance at the bottom. Ramps shall have level platforms at 30 foot intervals for purposes of rest and safety and shall have level platforms wherever they turn. _____

Sec. 8. Entrances. At least one primary entrance to each building shall be useable by individuals in wheelchairs. At least one entrance useable by individuals in wheelchairs shall be on a level that would make the elevators accessible. _____

Sec. 9. Doors. Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of 5 feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor. _____

Sec. 10. Stairs. Stairs shall conform to standards of the American Standards Association, Inc., with the following additional considerations: Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed 7 inches. _____

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Sec. 12. Toilet Rooms. (a) An appropriate number of toilet rooms, in accordance with the nature and use of a specific building or facility, shall be accessible to, and useable by, the physically handicapped. _____

(b) Toilet rooms shall have space to allow traffic of individuals in wheelchairs, in accordance with Section 5. _____

(c) Toilet rooms shall have at least one toilet stall that _____

(1) is 3 feet wide _____

(2) is at least 4 feet 8 inches, preferably 5 feet deep _____

(3) has a door (where doors are used) that is 32 inches wide and swings out _____

(4) has handrails on each side, 33 inches high and parallel to the floor, 1-1/2 inches in outside diameter, with 1-1/2 inches clearance between rail and wall, and fastened securely at ends and center _____

(5) has a water closet with the seat 20 inches from the floor. _____

(d) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are useable by individuals in wheelchairs, or shall have lavatories mounted higher, when particular designs demand, so that they are useable by individuals in wheelchairs. _____

(e) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror. _____

(f) Toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room. _____

(g) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor. _____

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(b) Water fountains or coolers shall have up-front spouts and controls. Water fountains or coolers shall be hand-operated or hand- and foot-operated. _____

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(b) Such telephones shall be placed so that the dial and the handset can be reached by individuals in wheelchairs. _____

(c) An appropriate number of public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use. _____

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Sec. 16. Switches and Controls. Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all _____

similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

Sec. 17. Identification for the Blind. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Identification shall be placed on the wall, to the right or left of the door, at a height between 4 feet 6 inches and 5 feet 6 inches measured from the floor, and preferably at 5 feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by knurling the door handle or knob.

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Sec. 19. Hazards. (a) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(b) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(c) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least 8 feet from the hazard, the warning devices shall be installed in accord with the provisions of Subsection (b) of this section.

(d) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardously into regular corridors, or traffic ways when the door is closed, shall be avoided. _____

(e) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of 7 feet, measured from the floor, shall be had. _____

(f) Lighting on ramps shall be at least equal to that prescribed by the specifications of American Standards Association, Inc. Exit signs shall be in accordance with specifications of American Standards Association, Inc., except as modified by Section 8 of this Act. _____

Sec. 20. Responsibilities for Enforcement. (a) The responsibility for administration and enforcement of this Act shall reside primarily in the State Building Commission, but the State Building Commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this Act. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the State Building Commission to provide such additional fundings as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this Act. In enforcing this Act the State Building Commission shall also receive the assistance of all appropriate elective or appointive public officials. The State Building Commission shall from time to time inform professional organizations and others of this law and its application. _____

(b) The State Building Commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefore, including powers to institute and prosecute proceedings in the District Court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceeding. —

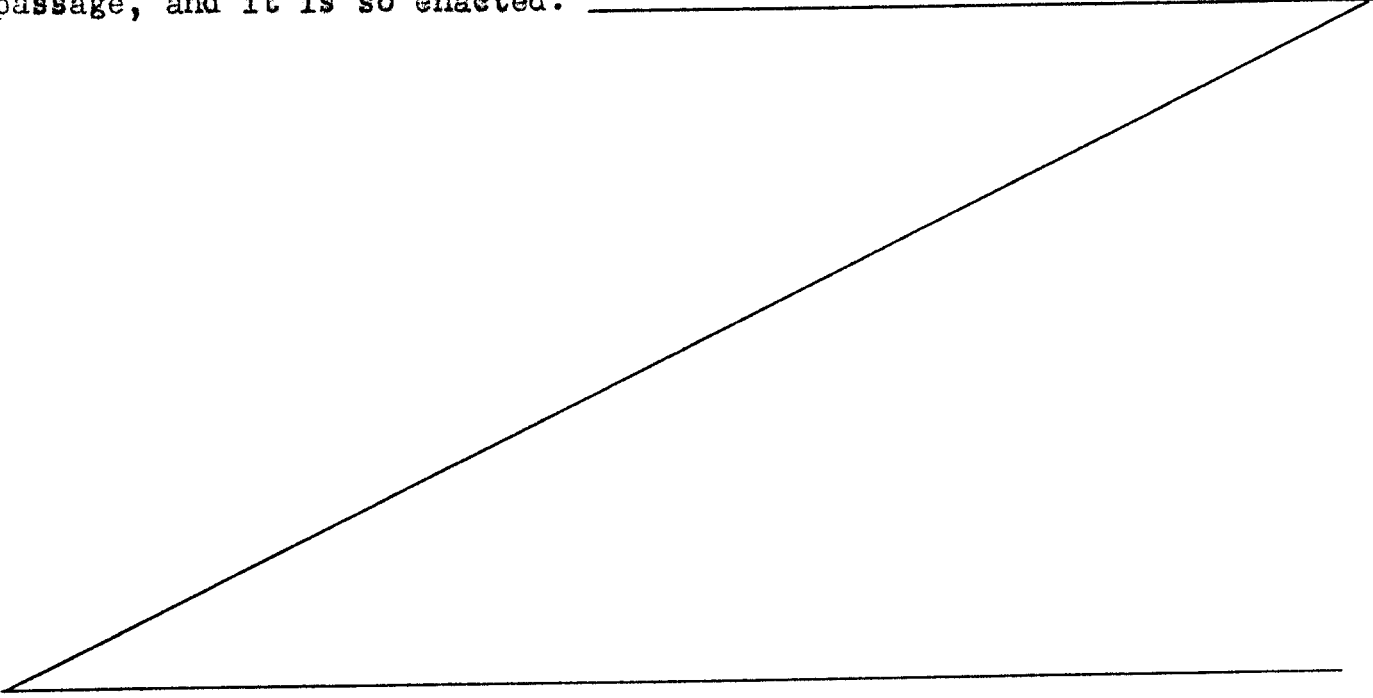
(c) The State Building Commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this Act. The State Building Commission, after consultation with state rehabilitation agencies, is also authorized to waive any of the standards and specifications presently set forth in this Act and to substitute in lieu thereof standards or specifications consistent in effect to such standards or specifications as might be adopted by the American Standards Association, Inc. (or its federally-recognized successor in function) subsequent to the effective date of this Act. —

(d) The respective governing boards of state-supported institutions of higher education are responsible for enforcement of this Act on all properties under their jurisdiction. In all other instances, the responsibility for enforcement of this Act shall be in the State Building Commission. —

Sec. 21. This Act takes effect on January 1, 1970. —

Sec. 22. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. —

Sec. 23. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted. _____



FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4-28-69,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Governmental Affairs, to whom was referred S. B. No. 111, have had the same under consideration and beg to report back with recommendation that it { do } pass, and be printed

Don Evness
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

AN ACT

to require that those buildings and facilities constructed in the state by the use of federal, state, county, or municipal funds shall adhere to the principles prescribed by this Act in order to make these buildings and facilities accessible to, and useable by, the physically handicapped; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Policy. The provisions of this Act are enacted to further the policy of the State of Texas to encourage and promote the rehabilitation of handicapped or disabled citizens. It is the intent of this Act to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped or disabled persons, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

Sec. 2. Application of Act. (a) The standards and specifications set forth in this Act shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this Act from any one of these funds or any

combination thereof shall conform to each of the standards and specifications prescribed herein except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the State Building Commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this Act, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This Act shall apply to temporary or emergency construction as well as permanent buildings.

Sec. 3. Scope and Purpose. (a) This Act is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination and aging.

(b) It is intended to make all buildings and facilities covered by this Act accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Sec. 4. Definitions. For the purpose of this Act the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

(7) "Standard," when this term appears in small letters, is descriptive and means typical type.

(8) "Fixed turning radius, wheel to wheel" means the tracking of the caster wheels and large wheels or a wheelchair when pivoting on a spot.

(9) "Fixed turning radius, front structure to rear structure" means the turning radius of a wheelchair, left front-foot platforms to right rear wheel, or right front-foot platform to left rear wheel when pivoting on a spot.

(10) "Involved (involvement)" means a portion or portions of the human anatomy or physiology, or both, that have a loss or impairment of normal function as a result of genesis, trauma, disease, inflammation, or degeneration.

(11) "Ramps, ramps with gradients" means ramps with gradients (or ramps with slopes) that deviate from what would otherwise be considered the normal level. An exterior ramp, as distinguished from a "walk," shall be considered an appendage to a building leading to a level above or below existing ground level. As such, a ramp shall meet certain requirements similar to those imposed upon stairs.

(12) "Walk, walks" means a predetermined, prepared-surface, exterior pathway leading to or from a building or a facility, or from one exterior area to another, places on the existing ground level and not deviating from the level of the existing ground immediately adjacent.

(13) "Appropriate number" means the number of a specific item that would be reasonably necessary, in accord with the purpose and function of a building or a facility, to accommodate individuals with specific disabilities in proportion to the anticipated number of individuals with disabilities who would use a particular building or facility.

Sec. 5. Design Criteria. The following design criteria shall be applicable:

(1) The collapsible-model wheelchair of tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits, which are used as the basis of consideration:

- (A) Length: 42 inches
- (B) Width, when open: 25 inches
- (C) Height of seat from floor: 19-1/2 inches
- (D) Height of armrest from floor: 29 inches
- (E) Height of pusher handles (rear) from floor: 36 inches
- (F) Width, when collapsed: 11 inches

(2) The fixed turning radius of a standard wheelchair, wheel to wheel, is 18 inches. The fixed turning radius, front structure to rear structure, is 31.5 inches.

(3) The average turning space required by a person in a wheelchair (180 to 360 degrees) is 60 x 60 inches. A turning space of 63 x 56 inches may at times prove more workable and desirable.

(4) A minimum width of 60 inches is required for two individuals in wheelchairs to pass each other.

(5) In a wheelchair the average unilateral vertical reach is 60 inches and ranges from 56 to 72 inches.

(6) The average horizontal working (table) reach of a person in a wheelchair is 30.8 inches and ranges from 28.5 inches to 33.2 inches.

(7) The bilateral horizontal reach, both arms extended to each side, shoulder high, of a person in a wheelchair, ranges from 54 inches to 71 inches and averages 64.5 inches.

(8) An individual reaching diagonally (from a wheelchair) as would be required in using wall-mounted dial telephones or towel dispenser, would make the average reach (on the wall) 48 inches from the floor.

(9) Most individuals ambulating on braces or crutches, or both, or on canes are able to manipulate within the specifications prescribed for wheelchairs, although doors present quite a problem at times. However, a crutch tip extending laterally from an individual is not obvious to others in heavily trafficked areas, and not as obvious or protective as a wheelchair and is, therefore, a source of vulnerability.

(10) On the average, individuals 5 feet 6 inches tall require an average of 31 inches between crutch tips in the normally accepted gait.

(11) On the average, individuals 6 feet 0 inches tall require an average of 32.5 inches between crutch tips in the normally accepted gait.

Sec. 6. Site Development. (a) The ground shall be graded, even contrary to existing topography, so that it attains a level with a normal entrance and will make a facility accessible to individuals with physical disabilities.

(b) Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These walks shall be of continuing common surface, not interrupted by steps or abrupt changes in level. Wherever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway.

(c) Spaces in parking lots that are accessible to the building or facility shall be set aside and identified for use by individuals with physical disabilities. An adequate parking space is one that is open on one side and which allows room for individuals in wheelchairs or individuals with braces and crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking. Parking spaces for individuals with physical disabilities when placed between two conventional diagonal or head-on parking spaces shall be 12 feet wide. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars. Consideration shall be given to the distribution of spaces for use by the disabled, in accordance with the frequency and regularity of their parking needs. Walks shall be in conformity with Section 6 (b) of this Act.

Sec. 7. Ramps. (a) Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) A ramp shall not have a slope greater than one foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

(2) A ramp shall have handrails on at least one side, and preferably two sides, that are 32 inches in height, measured from the surface of the ramp, that are smooth, that extend one foot beyond the top and bottom of the ramp, and that as far as practicable conform with American Standard Safety Code for Floor and Wall Openings, and Toe Boards as promulgated by the American Standards Association, Inc.

(b) Ramps shall have a surface that is nonslip. A ramp shall have a level platform at the top which is at least 5 feet by 5 feet,

if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. A ramp shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. Each ramp shall have at least 6 feet of straight clearance at the bottom. Ramps shall have level platforms at 30 foot intervals for purposes of rest and safety and shall have level platforms wherever they turn.

Sec. 8. Entrances. At least one primary entrance to each building shall be useable by individuals in wheelchairs. At least one entrance useable by individuals in wheelchairs shall be on a level that would make the elevators accessible.

Sec. 9. Doors. Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of 5 feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

Sec. 10. Stairs. Stairs shall conform to standards of the American Standards Association, Inc., with the following additional considerations: Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed 7 inches.

Sec. 11. Floors. Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp in accord with Section 7(a) through the first paragraph of Section 7(b), inclusive.

Sec. 12. Toilet Rooms. (a) An appropriate number of toilet rooms, in accordance with the nature and use of a specific building or facility, shall be accessible to, and useable by, the physically handicapped.

(b) Toilet rooms shall have space to allow traffic of individuals in wheelchairs, in accordance with Section 5.

(c) Toilet rooms shall have at least one toilet stall that

(1) is 3 feet wide

(2) is at least 4 feet 8 inches, preferably 5 feet deep

(3) has a door (where doors are used) that is 32 inches wide and swings out

(4) has handrails on each side, 33 inches high and parallel to the floor, 1-1/2 inches in outside diameter, with 1-1/2 inches clearance between rail and wall, and fastened securely at ends and center

(5) has a water closet with the seat 20 inches from the floor.

(d) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are useable by individuals in wheelchairs, or shall have lavatories mounted higher, when particular designs demand, so that they are useable by individuals in wheelchairs.

(e) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(f) Toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(g) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor.

Sec. 13. Water Fountains. (a) An appropriate number of water fountains or other water-dispensing means shall be accessible to, and useable by, the physically disabled.

(b) Water fountains or coolers shall have up-front spouts and controls. Water fountains or coolers shall be hand-operated or hand- and foot-operated.

Sec. 14. Public Telephones. (a) An appropriate number of public telephones shall be made accessible to, and useable by, the physically disabled.

(b) Such telephones shall be placed so that the dial and the handset can be reached by individuals in wheelchairs.

(c) An appropriate number of public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use.

Sec. 15. Elevators. Elevators shall be provided and shall be accessible to, and useable by, the physically disabled at all levels normally used by the general public. Elevator control buttons shall have identifying features for the benefit of the blind. Elevators shall allow for traffic by wheelchairs.

Sec. 16. Switches and Controls. Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all

similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

Sec. 17. Identification for the Blind. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Identification shall be placed on the wall, to the right or left of the door, at a height between 4 feet 6 inches and 5 feet 6 inches measured from the floor, and preferably at 5 feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by knurling the door handle or knob.

Sec. 18. Warning Signals. (a) Audible warning signals shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilities.

(b) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Sec. 19. Hazards. (a) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(b) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(c) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least 8 feet from the hazard, the warning devices shall be installed in accord with the provisions of Subsection (b) of this section.

(d) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardedly into regular corridors, or traffic ways when the door is closed, shall be avoided.

(e) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of 7 feet, measured from the floor, shall be had.

(f) Lighting on ramps shall be at least equal to that prescribed by the specifications of American Standards Association, Inc. Exit signs shall be in accordance with specifications of American Standards Association, Inc., except as modified by Section 8 of this Act.

Sec. 20. Responsibilities for Enforcement. (a) The responsibility for administration and enforcement of this Act shall reside primarily in the State Building Commission, but the State Building Commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this Act. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the State Building Commission to provide such additional fundings as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this Act. In enforcing this Act the State Building Commission shall also receive the assistance of all appropriate elective or appointive public officials. The State Building Commission shall from time to time inform professional organizations and others of this law and its application.

(b) The State Building Commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefore, including powers to institute and prosecute proceedings in the District Court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceeding.

(c) The State Building Commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this Act. The State Building Commission, after consultation with state rehabilitation agencies, is also authorized to waive any of the standards and specifications presently set forth in this Act and to substitute in lieu thereof standards or specifications consistent in effect to such standards or specifications as might be adopted by the American Standards Association, Inc. (or its federally-recognized successor in function) subsequent to the effective date of this Act.

(d) The respective governing boards of state-supported institutions of higher education are responsible for enforcement of this Act on all properties under their jurisdiction. In all other instances, the responsibility for enforcement of this Act shall be in the State Building Commission.

Sec. 21. This Act takes effect on January 1, 1970.

Sec. 22. Severability Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 23. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Lieutenant Governor

Speaker of the House

I hereby certify that S. B. No. 111 passed the Senate on April 21, 1969, by a viva voce vote.

Secretary of the Senate

I hereby certify that S. B. No. 111 passed the House on May 8, 1969, by a non-record vote.

Chief Clerk of the House

Approved:

5-27-69

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:45 AM O'CLOCK

MAY 28 1969

Secretary of State

S.B. No. 111 By Cole
SJR. A BILL TO BE ENTITLED:
AN ACT requiring those buildings and facilities constructed by municipal funds shall adhere to the principles prescribed to be usable by the physically handicapped.

Feb. 4, 1969 Filed with the Secretary of the Senate
Feb. 4, 1969 Read, referred to Committee on State Affairs
Reported favorably.

APR 10 1969 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

APR 21 1969 Ordered not printed.
Senate and Constitutional Rules to permit consideration suspended by unanimous consent.
_____ years, _____ days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ days.

APR 21 1969 Read second time, and ^{amended} { ordered engrossed.
APR 21 1969 ~~passed to third reading.~~

Caption ordered amended to conform to body of bill.

APR 21 1969 Senate and Constitutional 3-Day Rules suspended by vote of 28 years, 0 nays to place bill on third reading and final passage.

APR 21 1969 Read third time and passed by a viva-voce vote.
_____ years, _____ days.

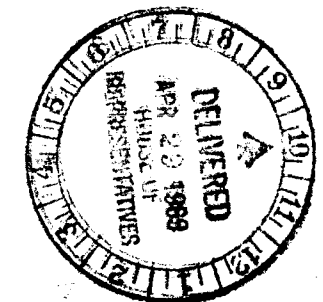
OTHER ACTION:
Charles Schnabel
Secretary of the Senate

4-21-69 Engrossed.
APR 22 1969 Sent to HOUSE
Essie McQuinn
ENGROSSING CLERK

APR 22 1969 Received from the Senate.
Dorothy Hallman
Chief Clerk, House of Representatives

READ 1st TIME
AND REFERRED TO COMMITTEE ON
LOCAL AFFAIRS
Dorothy Hallman
Chief Clerk, House of Representatives

APR 28 1969 REPORTED FAVORABLY SENT TO PRINTER



MAY 8 1969 Read third time
and Passed
by following vote: yeas 100
Nays 10
Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 8 1969 Motion to suspend all necessary rules to consider, prevailed by vote
Dorothy Hallman
Chief Clerk, House of Representatives

MAY 8 1969 Read Second Time and passed to third reading by vote
non-record

Dorothy Hallman
Chief Clerk, House of Representatives

PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 10:00 17 M, APR 29 1969
(Time) (Date)

MAY 8 1969 MOTION TO RECONSIDER THE VOTE BY WHICH
ACCEPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED PASSED BY A
Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 8 1969 RETURNED TO SENATE
MAY 9 1969 RETURNED FROM HOUSE